

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

KENNETH L. JOHNSON, )  
                          )  
Plaintiff,            )  
                          )  
v.                     ) Case No. CIV-24-190-D  
                          )  
GRADY COUNTY MEDICAL, )  
                          )  
Defendant.            )

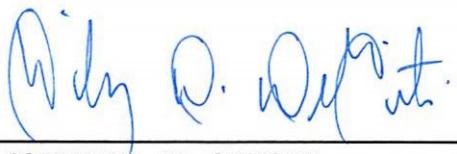
**O R D E R**

This matter is before the Court for review of the Report and Recommendation [Doc. No. 5] issued by United States Magistrate Judge Amanda Maxfield Green pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Green recommends the dismissal of this action without prejudice under Fed. R. Civ. P. 41(b) due to Plaintiff's failure to file a proper complaint, failure to pay the filing fee or apply to proceed under 28 U.S.C. § 1915, and failure to comply with a prior order to cure these deficiencies.

The case file shows no timely objection to the Report nor request for an extension of time, even though Plaintiff was expressly informed of his right to object, the deadline for doing so, and the firm waiver rule. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the Report. *See id.; see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, for the reasons explained by Judge Green, the Court finds that this action should be dismissed without prejudice to refiling.

**IT IS THEREFORE ORDERED** that the Report and Recommendation [Doc. No. 5] is **ADOPTED** in its entirety. This action is **DISMISSED** without prejudice to a future filing. A separate judgment of dismissal shall be entered.

**IT IS SO ORDERED** this 30<sup>th</sup> day of April, 2024.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge